

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

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**CERTIFIED COPY**

BERT MEYER, )  
)  
Plaintiff, ) Civil No.: 04-00049 HG-BMK  
)  
vs. )  
)  
MATSON NAVIGATION COMPANY, )  
INC., and PACIFIC LIVESTOCK, )  
INC., )  
)  
Defendants. )  
\_\_\_\_\_ )

DEPOSITION OF ERIC B. JOHNSON

DATE: August 24, 2005

TIME: 1:37 p.m.

LOCATION: MATSON NAVIGATION COMPANY  
555 12th Street  
Oakland, California 94607

REPORTED BY: Lisa R. Keeling  
Certified Shorthand Reporter  
License Number C-10518

**DISK  
ENCLOSED**



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(408) 280-1252  
Santa Cruz, California  
(831) 459-6668

DEPOSITION OF ERIC B. JOHNSON

A P P E A R A N C E S

For the Plaintiff: LAW OFFICES OF PRESTON EASLEY  
BERT MEYER BY: PRESTON EASLEY  
2500 Via Cabrillo Marina  
Suite 106  
San Pedro, CA 90731-7724  
(310) 832-5315

For the Defendants: GOODSILL, ANDERSON, QUINN &  
MATSON NAVIGATION STIFEL  
BY: JOHN R. LACY  
Alii Place  
1099 Alakea Street  
Suite 1800  
Honolulu, Hawaii 96813  
(808) 547-5600

Also Present: Barbara A. Bodager

## DEPOSITION OF ERIC B. JOHNSON

I N D E X O F E X A M I N A T I O N

Examination by:	Page
Mr. Easley .....	4
Mr. Lacy .....	41

I N D E X O F E X H I B I T S

Defendants' Exhibit	Description	Page
1	Accident Report .....	14
2	Color Photo .....	15
3	Color Photo .....	15
4	Chief Mate Cargo Letter .....	21
5	Safety Meeting Report .....	31

DEPOSITION OF ERIC B. JOHNSON

1 to him.

2 Who provides the hoses for the livestock  
3 tenders?

4 A. Which hoses?

5 Q. Whatever hoses they have on the ship.

6 A. The ship provides the waste hoses, and I'm not  
7 positive but I think they supply their own fresh water  
8 hoses or in some instances we have -- we have fresh water  
9 hoses as well, but I believe they provide their own fresh  
10 water hoses.

11 Q. After giving them their original instructions in  
12 Oakland when it came time to do the wash-down, as you got  
13 closer to Honolulu did you go tell them it's time to do  
14 the wash-down now?

15 A. No.

16 Q. Okay. Did you conduct any kind of inspection  
17 before the ship got into Honolulu to make sure that they  
18 had done a wash-down?

19 A. Yes.

20 Q. And when did you do that inspection?

21 A. Oh, I can't remember if the ship arrived in the  
22 late afternoon or evening. It would have been in the  
23 afternoon depending on what work I had going. It could  
24 have been the morning, it could have been afternoon, but  
25 it would have been after the wash-down was completed and

DEPOSITION OF ERIC B. JOHNSON

1 A. Yes.

2 Q. With the catwalk, right?

3 A. Enough so it's going to rest on there safely,  
4 yes.

5 Q. When the livestock tenders do their wash-down,  
6 do you know what their wash-down is supposed to consist  
7 of?

8 A. I don't remember.

9 Q. Was the wash-down supposed to be done before the  
10 lines were pulled?

11 A. Yes.

12 Q. And how long before docking are the lines  
13 usually pulled?

14 A. Like I said earlier, it could be late morning or  
15 it could be afternoon. If you were on an evening  
16 arrival, four or six hours doing it during daylight. So  
17 it depends when you arrive.

18 Q. I've been told that when you come into Honolulu  
19 there's some type of joint safety inspection that's done  
20 by both the crew and the stevedore superintendents as  
21 kind of a pre-work inspection before the longshoremen  
22 come aboard. Have you ever heard of that?

23 A. That's correct. Yes, there is.

24 Q. And was that done prior to Mr. Meyer coming  
25 aboard on October 1st, 2002?

DEPOSITION OF ERIC B. JOHNSON

1 A. Yes. The superintendent chief mate does one  
2 with him or night mate.

3 Q. And did you participate in that pre-cargo work  
4 safety inspection?

5 A. If we started cargo immediately and I was there,  
6 I probably was. But I don't know.

7 Q. And is there some form that's utilized in that  
8 inspection?

9 A. Yes.

10 Q. What's the form called?

11 A. I don't remember.

12 Q. Is the form provided by Matson Terminals?

13 A. I can't remember if it's Matson Terminals or the  
14 ship.

15 Q. Okay.

16 A. I don't normally work there.

17 Q. What does the form say on it?

18 A. I don't -- it's been -- I don't even remember  
19 what's on it. I know it's basic safety items on a ship.  
20 And I know it's got more stuff on there than that, but I  
21 don't remember.

22 Q. I may have asked you this before. Forgive me if  
23 I have. Are you aware of anybody making any complaints  
24 about the gaps between the hatch lids and the grating on  
25 either the Lahui, Gadao or Ewa?

DEPOSITION OF ERIC B. JOHNSON

1 MR. EASLEY: Okay. Let's go off the record a  
2 minute.

3 (Discussion held off the record.)

4 MR. EASLEY: Parties have agreed that a  
5 certified copy of the transcript will be sent to  
6 Mr. Lacy's office and that the witness will have 45 days  
7 from Mr. Lacy's receipt of the transcript to sign under  
8 penalty of perjury and make any corrections he feels  
9 necessary. And then Mr. Lacy will have to notify me and  
10 the court reporter of the signature page and any changes  
11 by that time; otherwise, an unsigned copy could be used  
12 for all purposes as the original.

13 Mr. Johnson advises us that he'll be at sea at  
14 that time. If there's some kind of problem in obtaining  
15 his signature, I would ask that Mr. Lacy just contact me  
16 before time's up and we'll make whatever other  
17 arrangements that are necessary.

18 MR. LACY: All right.

19 (Whereupon, the deposition of  
20 ERIC B. JOHNSON, was concluded  
21 at 2:39 p.m. this date.)  
22

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24  
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DEPOSITION OF ERIC B. JOHNSON

1 I certify under penalty of perjury under the  
2 laws of the State of California that the foregoing is  
3 true and correct.

4  
5  
6 Date \_\_\_\_\_

7 ERIC B. JOHNSON

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DEPOSITION OF ERIC B. JOHNSON

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3  
4 STATE OF CALIFORNIA, )  
5 COUNTY OF SANTA CLARA ) ss.  
6

7 I, LISA R. KEELING, a Certified Shorthand  
8 Reporter in and for the State of California, hereby  
9 certify that the witness in the foregoing deposition,  
10 ERIC B. JOHNSON,  
11 was by me duly sworn to tell the truth, the whole truth  
12 and nothing but the truth in the within-entitled cause,  
13 and that the foregoing is a full, true and correct  
14 transcript of the proceedings had at the taking of said  
15 deposition, reported to the best of my ability and  
16 transcribed under my direction.  
17  
18

19 Date 9-8, 2005

*Lisa R. Keeling*  
20 CSR Number C-10518  
21  
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23  
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